

ORDINANCE NO. 09-10

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA ACCEPTING THE RIGHT-OF-WAY DEED FROM ROYAL CONTAINER AND TRAILER REPAIRS, INC., A FLORIDA CORPORATION, CONSISTING OF A 35-FOOT WIDE STRIP OF LAND ALONG NW 142 STREET, IF CONSTRUCTED, BETWEEN NW 97 AVENUE AND NW 107 AVENUE, HIALEAH, FLORIDA AS MORE PARTICULARLY DESCRIBED AS PARCEL 231, A COPY OF WHICH IS ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT "1"; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of January 14, 2009 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The City of Hialeah, Florida hereby accepts a right-of-way deed from Royal Container and Trailer Repairs, Inc., a Florida corporation, consisting of a 35-wide strip of land along NW 142 Street, if constructed, between NW 97 Avenue and NW 107 Avenue, Hialeah, Florida, Parcel 231, legally described as follows:

PORTIONS OF A PARCEL OF LAND LYING AND BEING IN THE SOUTH 110.10 FEET OF TRACT 16 AND ALL OF TRACT 17 AND THE EAST 35.00 OF TRACT 21, TOGETHER WITH THE NORTH 329.74 FEET OF TRACT 21, CHAMBERS LAND COMPANY SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 68, OF THE PUBLIC RECORDS OF MIAMI-DADE

COUNTY, FLORIDA, TOGETHER WITH ALL OF TRACT G AND THE SOUTH 75.14 FEET OF TRACT OF RINKER LAKE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 82, PAGE 47, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THE CENTERLINE OF SAID RIGHT-OF-WAY IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 20, TOWNSHIP 52 SOUTH, RANGE 40 EAST; THENCE NORTH $02^{\circ} 34' 51''$ WEST 1,430.00 FEET ALONG THE WEST LINE OF SAID SECTION TO A POINT WHERE THE WESTERLY PROLONGATION OF A LINE 110.10 NORTH AND PARALLEL WITH THE SOUTH LINE OF TRACT 16 INTERSECTS SAID SECTION LINE; THENCE NORTH $89^{\circ} 44' 56''$ EAST ALONG SAID WESTERLY PROLONGATION LINE 10.00 FEET TO THE WEST PROPERTY LINE OF TRACT 16, BEING THIS POINT THE POINT OF BEGINNING OF THE HEREIN DESCRIBED CENTERLINE; THENCE NORTH $89^{\circ} 44' 56''$ EAST ALONG THE SAME LINE BEING ALSO THE NORTH BOUNDARY LINE OF THIS PARCEL A DISTANCE OF 810.08 FEET TO THE BEGINNING OF A CIRCULAR CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 300.00 FEET AND A CENTRAL ANGLE OF $34^{\circ} 10' 38''$; THENCE EASTERLY AND SOUTHEASTERLY 178.95 FEET ALONG SAID CURVE TO THE BEGINNING OF A REVERSE CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 300 FEET AND A CENTRAL ANGLE OF $34^{\circ} 10' 38''$; THENCE SOUTHEASTERLY AND EASTERLY 178.95 FEET, MORE OR LESS, ALONG SAID CURVE TO A POINT 35.00 FEET NORTH OF THE NORTH PROLONGATION OF THE EAST LINE OF TRACT G AND ALSO BEING THIS POINT THE CENTERLINE OF NW 142 STREET AND ALSO BEING THE POINT OF TERMINATION OF SAID CENTERLINE, THE SOUTH 35 FEET PARALLEL SIDE LINE OF THIS RIGHT-OF-WAY TO BE SHORTENED OR LENGTHENED TO MEET THE WEST AND EAST PROPERTY LINES OF THE PARCEL OF LAND AND THE NORTH 35 FEET PARALLEL SIDE LINE OF THIS RIGHT-OF-WAY IN THE NORTHEAST PORTION OF THIS PARCEL OF LAND TO BE SHORTENED OR

LENGTHENED TO MEET THE NORTH AND EAST
PROPERTY LINES THEREOF.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty described above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the

Mayor's signature is withheld or if the City Council overrides the Mayor's veto.


PASSED and ADOPTED this 10th day of February, 2009.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Carlos Hernandez
Council President

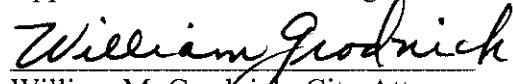
Attest:

Approved on this 11 day of February, 2009.


Rafael E. Granado, City Clerk


Mayor Julio Robaina

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes".



CFN 2009R0137539
OR Bk 26765 Pgs 0096 - 99; (4pgs)
RECORDED 02/25/2009 09:51:16
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

Return to:

City of Hialeah, Florida
Law Department
501 Palm Avenue
Hialeah, Florida 33010

Instrument prepared by:

William M. Grodnick, City Attorney
City of Hialeah Law Department
501 Palm Avenue, Hialeah, Florida 33010

Property Appraiser's Parcel Identification (Folio)
Number(s): 04-2020-002-0015

Parcel 231
NW 142nd Street
City of Hialeah

**RIGHT-OF-WAY DEED TO CITY OF HIALEAH, FLORIDA
FOR PUBLIC RIGHT-OF-WAY**

THIS INDENTURE, made this 2nd day of ^{December}~~November~~, 2008, by and between Royal Container and Trailer Repairs, Inc., a Florida corporation, whose address is 13850 N.W. 105 Avenue, Hialeah, Florida 33016, party of the first part, and the City of Hialeah, Florida, a municipal corporation organized and existing by virtue of and under the laws of the State of Florida, its successors in interest, whose address is 501 Palm Avenue, Hialeah, Florida 33010, party of the second part.

WITNESSETH, that the said party of the first part, for and in consideration of the sum of Ten and No/100th (\$10.00) Dollars, to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged, and for other good and valuable consideration, has granted, bargained, and sold to the party of the second part, its successors in interest, for the purpose of a public right-of-way and purposes incidental thereto, the following described land, situate, lying and being in the County of Miami-Dade, State of Florida, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

It is the intention of the party of the first part, by this instrument, to convey to the party of the second part, and its successors in interest, the land above described for use a public right-of-way and for all purposes incidental thereto.

It is expressly provided that if and when the said right-of-way shall be lawfully and permanently discontinued, the title to the said above-described land shall revert to the party of the first part, its heirs and assigns, and such party shall have the right to repossess the same.

And the party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever, claiming by, through or under the party of the first part.

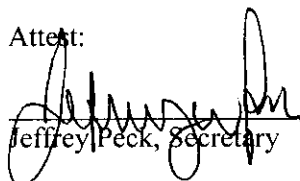
Handwritten:
09-10

IN WITNESS WHEREOF, the said party of the first part has hereunto set our hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of:


Royal Container and Trailer Repairs, Inc.
a Florida corporation
13850 N.W. 105 Avenue
Hialeah, Florida

Attest:


Jeffrey Peck, Secretary

(SEAL)

By:


Orlando Capote, President

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Witness

Typed/Printed Name

L Robert Elias

Witness

Typed/Printed Name

VIRGINIA C PECKNOLD

I hereby certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared Orlando Capote, as President, and Jeffrey Peck, as Secretary, of Royal Container and Trailer Repairs, Inc., they are known to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that they executed the same, and I relied upon the following form of identification of the above-named persons:

or are personally known to me and that an oath was taken.

NOTARY SEAL

Witness my hand and official seal in the County and State last aforesaid this 2nd day of December 2008.


Notary Signature

Typed/printed name

My commission no.:

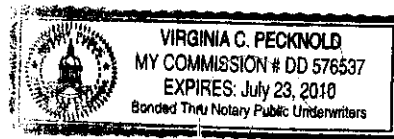


EXHIBIT "A"

PARCEL 231

LEGAL DESCRIPTION OF A RIGHT OF WAY TO BE GRANTED TO THE CITY OF HIALEAH, FLORIDA; AT 13850
NW 142 STREET, IN A PORTION OF SW ~~1/4~~ OF SECTION 20-~~52-40~~, NW. 142ND ST.

A 75 FEET RIGHT OF WAY DEDICATION TO THE CITY OF HIALEAH, FLORIDA OF PORTIONS OF A PARCEL OF LAND LYING AND BEING IN THE SOUTH 110.10 FEET OF TRACT 16 AND ALL OF TRACT 17 AND THE EAST 35.00 FEET OF TRACT 21, TOGETHER WITH THE NORTH 329.74 FEET OF TRACT 21 "CHAMBERLAND COMPANY SUBDIVISION" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2 AT PAGE 68 OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY FLORIDA TOGETHER WITH ALL OF TRACT "G" AND THE SOUTH 75.14 FEET OF TRACT "A" OF "RINKER LAKE" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 82 AT PAGE 47 OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA; THE CENTERLINE OF SAID RIGHT OF WAY IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 20-52-40; THENCE NORTH 02-34-51 WEST 1430.00 FEET ALONG THE WEST LINE OF SAID SECTION TO A POINT WHERE THE WESTERLY PROLONGATION OF A LINE 110.10 NORTH AND PARALLEL WITH THE SOUTH LINE OF TRACT 16 INTERSECTS SAID SECTION LINE ; THENCE NORTH 89-44-56 EAST ALONG SAID WESTERLY PROLONGATION LINE 10.00 FEET TO THE WEST PROPERTY LINE OF TRACT 16, BEING THIS POINT THE POINT OF BEGINNING OF THE HEREIN DESCRIBED CENTERLINE ; THENCE NORTH 89-44-56 EAST ALONG THE SAME LINE BEING ALSO THE NORTH BOUNDARY LINE OF THIS PARCEL A DISTANCE OF 810.08 FEET TO THE BEGINNING OF A CIRCULAR CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 300.00 FEET AND A CENTRAL ANGLE OF 34-10-38; THENCE EASTERLY AND SOUTHEASTERLY 178.95 FEET ALONG SAID CURVE TO THE BEGINNING OF A REVERSE CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 300 FEET AND A CENTRAL ANGLE OF 34-10-38; THENCE SOUTHEASTERLY AND EASTERLY 178.95 FEET, MORE OR LESS, ALONG SAID CURVE TO A POINT 35.00 FEET NORTH OF THE NORTH PROLONGATION OF THE EAST LINE OF TRACT "G" AND ALSO BEING THIS POINT THE CENTERLINE OF NW 142ND ST. AND ALSO BEING THE POINT OF TERMINATION OF SAID CENTERLINE. THE SOUTH 35 FEET PARALLEL SIDE LINE OF THIS RIGHT OF WAY TO BE SHORTENED OR LENGTHENED TO MEET THE WEST AND EAST PROPERTY LINES OF THE PARCEL OF LAND. AND THE NORTH 35 FEET PARALLEL SIDE LINE OF THIS RIGHT OF WAY IN THE NORTHEAST PORTION OF THIS PARCEL OF LAND TO BE SHORTENED OR LENGTHENED TO MEET THE NORTH AND EAST PROPERTY LINES THEREOF.

EXHIBIT 'A'
SKETCH OF LEGAL

PAGE 2 OF 2

